



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2674 PERMIT 2120 APPLICATION 2992

THIS IS TO CERTIFY, That **City of San Diego**
San Diego, California
as of August 20, 1943 (the date of inspection)

has made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Flume Nine Creek** in **San Diego County**

tributary of **Cottonwood Creek and Tia Juana River**

for the purpose of **municipal use**
under Permit **2120** of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from **August 17, 1922;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **two hundred ninety eight (298) acre feet per annum** by storage to be collected from about December 1 to about May 31 of each season and impounded in Lower Otay Reservoir.

This license is based on storage made during the season of 1940-1941 which was the season of maximum storage within the three year period immediately preceding the date of inspection, namely, August 20, 1943, and use thereof.

on Flume Nine Creek

The point of diversion of such water is located **South fifty-five degrees, forty-five minutes West (S. 55° 45' W.) thirteen hundred fifty (1350) feet from Northeast Corner of Section 28, T. 17 S., R. 3 E., S.B.B. & M., being within the NE¼ of NE¼ of said Section 28.**

Point of redirection from Lower Otay Reservoir is located **South fifty-four degrees, one minute East (S. 54° 01' E.) fourteen hundred forty two (1442) feet from corner No. 2 of Rancho Janal, being within the NE¼ of NE¼ of Section 13, T. 18 S., R. 1 W., S.B.B. & M.**

A description of the lands or the place where such water is put to beneficial use is as follows:

Municipal use within the City of San Diego, California.

The Water Commission Act was superseded by the Water Code on August 4, 1943. By force of the provisions of the latter, all references in this form to the Division of Water Resources will be understood to mean the Department of Public Works acting by and through the State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

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This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

FORM 64-A

29813 12-43 500 SPO

Witness my hand and the seal of the Department of Public
Works of the State of California, this 13th
day of June, 19 44.

EDWARD HYATT

State Engineer

By

Harold Conkling
Deputy State Engineer.



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LICENSE

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO City of San Diego

DATED June 13, 1944.

10889 3-42 1500 STATE PRINTING OFFICE

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